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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,943	12/12/2001	Brian Holtz	0007056-0223/P5924	2740

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EXAMINER

ALI, MOHAMMAD

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/021,943

Applicant(s)

HOLTZ ET AL.

Examiner

Mohammad Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The application has been examined. Claims 1-24 are pending in this Office Action.

#### ***Information Disclosure Statement***

2. The references cited in the IDS, PTO-1449, Paper No. 4 have been considered.

#### ***Priority***

3. Receipt is acknowledged of papers submitted for the provisional application.

#### ***Drawings***

4. The drawings are objected to because they fail to show necessary textual labels of features or symbols in Fig. 1 as described in the specification. For example, placing a label, "root", with element 100 etc. of Fig. 1, would give the viewer necessary detail to fully understand this element at a glance. A *descriptive* textual label for *each numbered element* in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office.

#### ***Specification***

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Appropriate correction is required.

(f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may

point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

Summary heading is missing. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Henson et al. ('Henson' hereinafter), US Patent 5,20,971 in view of Odom et al. ('Odom' hereinafter), US Patent 5,842,213.

With respect to claim 1,

Henson discloses a method for comparing file tree descriptions (see col. 6, lines 41-61) comprising:

obtaining a first file structure (see col. 13, lines 51-55);

obtaining a second file structure (see col. 13, lines 60-66, Fig. 7);

comparing said first file structure to said second file structure (see col. 57-60 et seq); and

generating one or more changes that transform said first file structure to said second file structure (see col. 6, lines 56-61).

Henson does not explicitly indicate the claimed "transforming file structure".

Odom discloses the claimed transforming file structure (neutral form gives to rise to greatly simplified modeling techniques, parallel processing in both data storage and retrieval operations, and simplified transfer of all or portions of the stored data, see col. 8, lines 32-34 et seq).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references, because transforming file structure of Odom's teachings would have allowed Henson's system to generate the data to reduce the degree of difficulty involved in the many interpretive aspects, as suggested by Odom at col. 2, lines 11-13. Further, transforming file

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structure as taught by Odom improves to create a storage format which enables to direct integration of different models in dynamic evolution (see col. 1, lines 12-15, Odom).

As to claim 2,

Henson teaches wherein said comparing further comprises: recursively walking said first file structure (see col. 26, lines 65-67 et seq).

As to claim 3,

Henson teaches wherein said changes comprise a sequence log of changes (see col. 9, lines 19-24 and col. 23, lines 16-27 et seq).

As to claim 4,

Henson teaches wherein said first file structure is a file tree index (see col. 13, lines 51-66 et seq).

As to claim 5,

Henson teaches wherein said second file structure is a file tree index (see col. 8, lines 33-47 et seq).

As to claim 6,

Henson teaches wherein said comparing further comprises: comparing one or more folders of said first file structure along with its children with a corresponding folder along with its children in said second file structure (see col. 8, lines 39-47 and col. 13, lines 57-60).

As to claim 7,

Henson teaches optimizing said sequenced log of changes (see col. 19, lines 1-4 et seq).

As to claim 8,

Henson teaches wherein said optimizing further comprising: transforming a plurality of operations in said sequenced log of changes to a single operation (see col. 19, lines 34-60 and Fig. 2 et seq).

Claims 9-16 have same subject as of claims 1-8 except configuration as described above and Henson teaches at col. 14, lines 20-29 and essentially rejected for the same reasons as described above.

Henson does not explicitly indicate the claimed "transforming file structure".

Odom discloses the claimed transforming file structure (neutral form gives to rise to greatly simplified modeling techniques, parallel processing in both data storage and retrieval operations, and simplified transfer of all or portions of the stored data, see col. 8, lines 32-34 et seq).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references, because transforming file structure of Odom's teachings would have allowed Henson's system to generate the data to reduce the degree of difficulty involved in the many interpretive aspects, as suggested by Odom at col. 2, lines 11-13. Further, transforming file structure as taught by Odom improves to create a storage format which enables to direct integration of different models in dynamic evolution (see col. 1, lines 12-15, Odom).

Claims 17-24 have subject matter as of claims 1-16 except "a computer usable medium having computer readable program code embodied therein for comparing file tree descriptions, said computer program product" and Henson teaches at col. 12, lines 24-35 et seq and essentially rejected for the same reasons as described above.

Henson does not explicitly indicate the claimed "transforming file structure".

Odom discloses the claimed transforming file structure (neutral form gives to rise to greatly simplified modeling techniques, parallel processing in both data storage and retrieval operations, and simplified transfer of all or portions of the stored data, see col. 8, lines 32-34 et seq).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references, because transforming file structure of Odom's teachings would have allowed Henson's system to generate the data to reduce the degree of difficulty involved in the many interpretive aspects, as suggested by Odom at col. 2, lines 11-13. Further, transforming file structure as taught by Odom improves to create a storage format which enables to direct integration of different models in dynamic evolution (see col. 1, lines 12-15, Odom).



***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (703) 605-4356. The examiner can normally be reached on Monday to Thursday from 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790 or Customer Service (703) 306-5631. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for any communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



Mohammad Ali

Patent Examiner

AU 2177

MA

March 22, 2004